

REMARKS/ARGUMENTS

The Office Action of March 15, 2006 has been carefully reviewed along with the references cited by the Examiner and by applicant in the above application and in applicant's parent application Serial No. 10/361,245 which is being replaced by the present application. In view of the disclosures of the references, applicant is replacing originally filed claims 1-19 with new claims 20-31 to distinguish applicant's invention more clearly and to place this application in condition for allowance.

With respect to new claim 20 and the shell disclosed in connection with FIG. 7 of the above application, applicant's one-piece sheet metal can shell (10') has a vertical center axis and a curled peripheral crown (42') adapted to be double-seamed to an end portion of a formed sheet metal can body. The unseamed shell includes a circular center panel (12') connected by a panel wall (16') to an inner wall (17') of a countersink (18') having an outer wall (24') and a generally U-shaped cross-sectional configuration, a chuckwall having a lower wall portion (34') connected to the outer wall of the countersink and an upper wall portion (32') connected to an inner wall (38') of the crown (42'), the upper wall portion (32') of the chuckwall forming an angular break (35') with the lower wall portion (34') of the chuckwall, the upper wall portion (32') of the chuckwall having opposite end points defining in axial cross-section with the center axis a first angle (A2) substantially greater than a second angle (A3) defined by opposite end points in axial cross-section of the lower wall portion (34') of the chuckwall with the center axis, the inner wall (38') of the crown (42') forming an angular junction (46') with the upper wall portion (32') of the chuckwall and extending from the junction at a third angle (A4) in axial cross-section with the center axis substantially less than the first angle (A2), and the panel wall (16') having opposite end points defining in axial cross-section with the center axis a fourth angle greater than the first angle.

Applicant is thoroughly familiar with the unseamed can ends or shells disclosed in Nguyen et al Patent No. 6,460,723 cited by the Examiner in applicant's parent application Serial No. 10/361,245 and also with the can ends and shells

Appl. No. 10/675,370

disclosed in Brifcani et al '634 and in Bulso, Jr. et al '052, cited by applicant in his Information Disclosure Statement. However, applicant is unable to find any suggestion or teaching in Diamond et al '761 or Bozek et al '898 or in any of the other references of a can shell having a structure or profile as set forth above in new claim 20 and shown in FIG. 7. On the other hand, applicant has found that this can shell structure or profile is very desirable, both for double-seaming the shell onto a can body and also for providing the assembled can with substantial strength and resistance to withstand the various pressure and drop tests desired after the can is filled with a pressure creating beverage and double-seamed with the shell. A can shell having the structure or profile set forth above in new claim 20 further provides for minimizing the thickness of the sheet metal can shell and for a significant reduction in the diameter of the blank used to form the can shell. While some of the cited references may disclose a portion of the structure or profile of applicant's can shell set forth above in new claim 20, none of the references suggests or teaches selectively combining different portions of different references to arrive at the unseamed can shell recited in new claim 20.

Most of the can shell structure or profile included in new claim 20 is also included in new independent claims 27 and 31. In addition, new claim 27 and new claim 23 set forth that the upper wall portion (32') of the chuckwall has a horizontal radial width from the break (35') to the junction (46') greater than a horizontal radial width (W1) of the countersink at the bottom of the countersink between the inner and outer walls of the countersink. Applicant is unable to find any disclosure in any of the references teaching the combination of can shell structure called for in claim 27 and shown in FIG. 7. In reference to new independent claim 31 and claims 21 and 28, applicant's can shell structure or profile includes a countersink (18') having a horizontal radial width (W1) at the bottom of the countersink between the inner and outer walls of the countersink less than a horizontal radial width of the panel wall (16') between an outer diameter (D9) of the center panel (12') and an inner diameter of the inner wall (17') of the countersink. None of the references either discloses or teaches the can shell structure or profile called for in new independent

Appl. No. 10/675,370

claim 31 and dependent claims 21 and 28. New dependent claims 24 and 29 also recite that the upper wall portion (32') of the chuckwall is substantially straight in axial cross-section from the break (35') to the junction (46') from which the inner crown wall projects. Applicant submits that the references also fail to teach this additional combination of his can shell structure or profile.

For the above reasons, applicant believes that each of new independent claims 20, 27 and 31 and the claims depending therefrom defines a particular can shell profile which is clearly distinguished from the references. Applicant therefor believes that these claims are in condition for allowance, and respectfully requests that this application be passed to issue.

Respectfully submitted,

JACOX, MECKSTROTH & JENKINS

A handwritten signature in black ink, appearing to read "Alan Meckstroth", written in a cursive style.

Alan F. Meckstroth

Reg. No. 22,607

Tel.: (937) 298-2811

AFM:pm